HON'BLE THE CHIEF JUSTICE SRI G.S. SINGHVI
AND
HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

Writ Petition No. 17496 of 2007

Between:

M.S.K. Vimala & others

... Petitioners

And

Nellore Municipal Corporation, Nellore

... Respondent

:: O R D E R ::

Counsel for the petitioners : Shri P. Krishna Reddy

Counsel for the respondent : Shri A.Sreedhar

August 20, 2007

Per G.S. Singhvi, CJ

This petition is directed against the proceedings initiated by the respondent under Sections 461 and 451(1) and (e) of the Hyderabad Municipal Corporation Act, 1955 (for short, 'the Act') for demolition of the alleged unauthorized constructions made in the building known as Anjana Apartment, Tekkemitta, Nellore.

We have heard Shri P. Krishna Reddy, learned counsel for the petitioners, A. Sreedhar, learned counsel for the respondent and perused the record. In our opinion, it is not necessary to adjudicate on the legality of the notice impugned in the writ petition because we feel that ends of justice will be met by directing the competent authority of respondent – Nellore Municipal Corporation (for short, 'the Corporation) to give effective opportunity to the petitioners to represent

their cause against the proposed demolition of the disputed construction.

Hence, the writ petition is disposed of in the following terms:

(1) Notices dated 06.07.2007 issued to the petitioners under Section 461 read with Section 451(1) and (e) of the Act shall be treated as notices under Section 452 of the Act.

(2) Within two weeks from today, the petitioners may file supplementary reply/objections to the proposed demolition of the disputed construction.

(3) Commissioner, Municipal Corporation, Nellore shall, after hearing the petitioners or their representatives, pass speaking orders in the matter of the alleged illegal/unauthorized constructions raised in the stilts/parking area in Anjana Apartments, Tekkemitta, Nellore. This exercise must be completed within three weeks from the date of receipt of supplementary reply/objections of the petitioners.

(4) The orders to be passed hereinafter shall be communicated to each of the petitioners by registered post.

(5) If the petitioners feel aggrieved by the order of the Commissioner, then they shall be free to avail appropriate legal remedy.

(6) Till the passing of the fresh order by the competent authority and for next seven days, the disputed construction shall not be demolished by the municipal authorities.

The writ petition is disposed of in the manner indicated above.

As a sequel to disposal of the writ petition, W.P.M.P.No.22397 of 2007 filed by the petitioners for interim relief is disposed of as infructuous.

G.S. SINGHVI, CJ

C.V. NAGARJUNA REDDY, J

August 20, 2007

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